IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 11344 of 2007(A)

PETITIONER:

REGI PAILY, S/O. PAILY,
PARAYIL HOUSE, THALAKKODE P.O., KOTHAMANGALAM,
ERNAKULAM DISTRICT.

BY ADV. SRI.R.KIRAN

RESPONDENTS:

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1. TEH OONNUKAL SERVICE CO-OPERATIVE BANK LTD.NO.E.58, OONNUKAL P.O., KOTHAMANGALAM, ERNAKULAM DISTRICT, REPRESENTED BY ITS SECRETARY.

2. THE KAVALANGAD SERVICE CO-OPERATIVE BANK LTD.NO.1348, KAVALANGAD, KOTHAMANGALAM, ERNAKULAM DISTRICT, REPRESENTED BY ITS SECRETARY.

3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM.

4. THE VILLAGE OFFICER,
OFFICE OF THE VILLAGE OFFICER,
NERIYAMANGALAM VILLAGE, ERNAKULAM DISTRICT.

BY ADV.SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 11344 of 2007 A

Dated, this the 2nd day of April, 2007

J U D G M E N T

Petitioner is challenging Ext.P9 order whereunder the Joint Registrar has held that the proposed branch at Puthencruz by 2nd respondent is within the area of operation of the 2nd respondent and not within the area of operation of 1st respondent Bank as claimed by the petitioner. Petitioner's case is that the Village Officer has given wrong report, which led to Ext.P9 decision by Joint Registrar holding that Puthencruz is within the area of operation of 2nd respondent. The learned Government Pleader rightly pointed out that a member is not the person aggrieved in the matter and it is for the 1st respondent society to take up the matter with the Joint Registrar or concerned authorities. More over, opening of a branch is for the convenience of the local public. If first respondent which is stated to be running a branch in the same area has any objection in 2nd respondent opening a branch, I see no reason why the Bank itself should not challenge the opening of the branch by another Bank in competition of its

business, as the co-operative societies are not supposed to compete in business in same area and should function in the area exclusively reserved for it. In the circumstance, WP(C) is closed leaving freedom to the first respondent to challenge the matter in appeal before the Government or before the Court.

This W.P.(C) is closed as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg